

Mr. SCOTT of Virginia: I'm proud to join the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers), who were leaders in the reauthorization of the Voting Rights Act in 2006. They were there and have been fighting the battle for voting rights for a long time. The leadership in reauthorization was obviously the gentleman from Wisconsin and the gentleman from Michigan and the gentleman from North Carolina (Mr. Watt).

Mr. Speaker, a right to vote is the very foundation of our democracy. The Supreme Court noted in *Wesberry v. Sanders* in 1964 that no right is more precious in a free country than that of having a voice in the election of those who make laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

From its initial passage of the Voting Rights Act, Congress has relied on an extensive record of discrimination in voting to justify the continued need for remedies imposed by the expiring provisions. In the original enactment of the Voting Rights Act and its subsequent reauthorization, Congress has made sure that voting rights remedies are proportionate to the problems Congress sought to secure.

In the reauthorization process in 2006, the gentleman from Wisconsin and the gentleman from Michigan made sure that we listened to each and every witness. They had long hearings and heard all kinds of different schemes to undermine the right to vote; and in the end, we reauthorized the Voting Rights Act.

As a result of the Voting Rights Act, since 1964--it was passed in 1965, but since 1964, the number of Black elected officials has increased from a nationwide total of 300 in 1964 to over 9,000 today. The Congressional Black Caucus grew from three prior to the Voting Rights Act to 43 today.

In the Commonwealth of Virginia, my home State, there were no African Americans in the General Assembly in 1965. Now there are 18 members of the Virginia Legislative Black Caucus. Clearly, these numbers show that many of the provisions of the Voting Rights Act have made a difference.

Section 5 is one of the Voting Rights Act's most important provisions. It requires covered jurisdictions to submit planned changes in their election laws to Federal officials for prior approval. They have to show that the change does not have a discriminatory effect or intent.

The jurisdictions covered by section 5 were selected the old fashioned way: they earned it, by implementing poll taxes, literacy tests, gerrymandered election districts and other schemes.

Tomorrow the Supreme Court will hear a challenge to section 5. In *Shelby County v. Holder*, the challenge will be to try to eliminate the requirement for covered jurisdictions to secure that pre-clearance from the Department of Justice or a Federal Court in Washington, D.C. They are

arguing that the current evidence of racial discriminatory practices in covered jurisdictions is inadequate to support section 5; but the record of section 5-based objections has shown that section 5 is needed.

Since 2006, when we reauthorized the Voting Rights Act, more than 750 objections have been lodged by the Department of Justice to changes in election procedures through the pre-clearance provision in section 5, finding that those 750 changes violated the Voting Rights Act. Those are changes in election laws that the jurisdictions knew they had to submit to Justice.

Now, just exactly what kind of changes would they have enacted if they hadn't been required to pre-clear their new laws?

Their bipartisan congressional report in 1982 warned that without this section discrimination would reappear overnight. That's because without this section there would be no effective deterrent in passing discriminatory laws.

Section 5 offers a type of relief that is not available in any other provision of the act. Without section 5's relief, jurisdictions with a history of discrimination could pass discriminatory changes in their election laws, and then the victim of the discrimination would bear the costs of litigation and bear the burden of proof to overturn the law.

[Time: 16:30]

If overturned, finally, then they could do another scheme and the process would start all over. If those impacted negatively by the discriminatory laws could not raise the money, then they're just stuck with the discriminatory plan.

Now, a lot of these plans are inflicted on small counties where people just do not have the resources to launch expensive, complex litigation. And so it is unfair to impose on them the burden of protecting their voting rights when you know from history that the covered jurisdictions have a history of discrimination.

Now, one of the problems with the elimination of section 5 is that once the small counties raise all the money, get to litigation, finally get a final judgment, and overturn it, the perpetrators of the scheme already would have achieved their goal. They got elected. They were able to represent the area and cast all the votes. And then in the end, when they're finally caught discriminating, they get to run as incumbents, with all the advantages of incumbency. The magic of section 5 is that the illegal scheme never goes into effect to begin with.

Now, there is a provision, as the gentleman from Wisconsin pointed out, for covered jurisdictions to bail out if they feel they have stopped discriminating. But all they have to do to bail out is first prove that they haven't gotten caught discriminating in 10 years.

Now, the process is simple. For those who have attempted to bail out, they've been able to bail out. There is no barrier, essentially no barrier, to bailing out from under the provisions of section

5, other than the fact that you couldn't have been caught discriminating in the previous 10 years.

Striking section 5 will essentially turn our country to a pre-1965 election system. Mr. Speaker, at a time when America has staked so much of its international reputation on the need to spread democracy around the world, we must ensure its vitality here at home and preserve section 5 of the Voting Rights Act.